

Remarks/Arguments:

With the present response, claims 42-44, 46-55 and 57-60 are pending, with claims 48, 50, 51, 54, 55, 58, and 60-66 withdrawn pursuant to a Restriction Requirement. Allowable claim 45 has been cancelled and its subject matter has been incorporated into claim 42.

The Examiner is thanked for the indication that claims 45, 49, 52, 53, and 59 would be allowable if rewritten in to overcome the rejection under 35 U.S.C. §112, second paragraph, and to include the base claim and any intervening claims.

List of co-pending applications

The Office Action requested that Applicant provide a list of all co-pending applications that set forth similar subject matter to the present claims. Applicant respectfully submits that there are no co-pending applications that set forth similar subject matter to the present claims. The present application is a Continuation of U.S. Patent Application Serial No. 10/105,997 (issued as U.S. Patent No. 6,645,240), which is a Continuation of U.S. Patent Application Serial No. 09/923,898 (issued as U.S. Patent No. 6,416,536), which is a Divisional of U.S. Patent Application Serial No. 09/337,120 (issued as U.S. Patent No. 6,398,802).

Oath/Declaration

The Office Action stated that the preliminary amendment filed with the present application added subject matter that was not referred to in the declaration. In particular, the subject matter setting forth a "non-sheath" was allegedly not supported by the parent or present specification. Without waiving any argument regarding whether the subject matter setting forth a "non-sheath" was allegedly not supported by the parent or present specification, Applicants have amended the claims to replace the language "non-sheath" with "releasable attachment." The terminology of "releasable attachment" members may be found in the specification, for example, on page 10, line 14. Applicants respectfully submit that the declaration supports the amended claim language and that a supplemental oath or declaration is not required.

Claim Objections

Claims 42, 52, 53, and 57 stand objected to because the "movable member" allegedly lacks clear antecedent basis from the specification. Claim 42 has been amended to recite a "movable *pusher* member." By way of example only, support for this amendment may be found

in the Specification, page 12, lines 16-20, which discloses movement of a pusher 46 inside a tip sheath 60 . Withdrawal of this objection is respectfully requested.

Claim 52 stands objected to because "the expanded configuration" lacks clear antecedent basis. Claim 52 has been amended to recite "*an* expanded configuration." Withdrawal of the objection to claim 52 is respectfully requested.

Claim 53 stands objected to because it is not understood by the Examiner whether crochet material should be either the second member or the third member. The Office Action states that the crochet material should be one or the other since both are present in the same claim. As is recited in independent claim 42, the second member is for releasably retaining at least an end of a graft. As is recited in claim 53, which ultimately depends from claim 42, the third member is for releasably retaining an uncovered portion of a stent. Second and third members are used for two different applications, and may incorporate different apparatuses for retaining their respective parts of the claimed system. By way of example only, in one embodiment of the claimed invention, such as for example, according to withdrawn claim 51, second member may be a crochet weave. In an alternative embodiment of the claimed invention, such as, for example, according to claims 47 and 54, second member may be a suture and third member may be a crochet weave. Applicant therefore respectfully submits that the crochet material may comprise the second member *and* the third member. Withdrawal of this objection is respectfully requested.

Claim 57 stands objected to because the phrase "and longitudinally slidable relative to the stent" is not understood by the Examiner. Claim 57 has been amended as suggested in the Office Action by replacing the word "and" with the phrase "that is." Withdrawal of the objection to claim 57 is respectfully requested.

Claim Rejections

Claim rejections under 35 U.S.C. §112

Claims 42-47, 49, 52, 53, 57, and 59 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action stated that the term "non-sheath" in claim 42 does not have clear metes and bounds. Applicant has deleted the term "non-sheath" from base claim 42, rendering the rejection of this claim and all of the claims which depend from claim 42, namely, claims 43-47, 49, 52, 53, 57, and 59, moot. Reconsideration and allowance of these claims is respectfully requested.

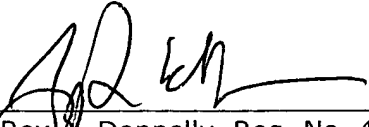
Claim rejections under 35 U.S.C. §102

Claims 42-44, 47, and 57 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,001,123 to Lau ("Lau") or, in the alternative, under 35 U.S.C. §103(a) as obvious over Lau in view of U.S. Patent Application Publication No. 2002/0111665 to Lauterjung ("Lauterjung") or PCT publication WO98/53761 to Hartley ("Hartley"). Claim 42 has been amended to include the allowable subject matter of claim 45. Applicant respectfully submits that claim 42 is now patentable over the cited prior art. Applicant also submits that claims 43, 44, 47, and 57, which all depend from claim 42, are patentable over the cited prior art for at least the same reasons as set forth above with respect to claim 42. Reconsideration and allowance of claims 42-44, 47, and 57 is respectfully requested.

Conclusion

In light of the above amendments and arguments, Applicant respectfully submits that claims 42-47, 49, 52, 53, 57, and 59 are in condition for allowance, for that reason, and claims 48, 50, 51, 54, 55, 58, and 60, previously withdrawn, should now also be allowed as dependent from allowable claims. Prompt reconsideration and allowance is respectfully requested.

Respectfully submitted,



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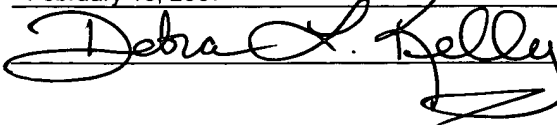
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Debra L. Kelly

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